

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TERRI SIMMONS,

Plaintiff,  
-against-

19 CIVIL 10388 (VB)

**JUDGMENT**

KENNETH R. HAMILTON, Mount Vernon City School District Superintendent; FELICIA GAON, Director of School Services; PUTNAM/NORTHERN WESTCHESTER BOARD OF COOPERATIVE EDUCATIONAL SERVICES; MOUNT VERNON CITY SCHOOL DISTRICT; NICOLE MURPHY; PENNY BECKMAN; MICHELE FRET; and SHELLEY EINBINDER FLEISCHMANN, Special Education Director, Putnam County; in their official and individual Capacities,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated February 8, 2023, Defendants' motion to dismiss the second amended complaint is GRANTED. Plaintiff's cross-motion for leave to amend is DENIED. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962); accordingly, the case is closed.

**Dated:** New York, New York

February 9, 2023

**RUBY J. KRAJICK**

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**Clerk of Court**

BY: *K. mango*

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**Deputy Clerk**